

NOTICE TO THE CITIZENS OF AMHERST, N.H.

ORDINANCE

BE IT ORDAINED, by the Board of Selectmen of the Town of Amherst as follows:

- Section 1. Short Title: This ordinance shall be known and may be cited as “an Ordinance Regulating Alarm Systems.”
- Section 2. Definitions: For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include plural number. The word “shall” is always mandatory and not merely directory.
- (1) “Alarm System” is an assembly of equipment and devices, or a single device, arranged to signal the presence of a hazard requiring urgent attention and to which Police and/or Fire Departments are expected to respond. In this ordinance, the term Alarm System shall include the terms “Dial Alarm” and “Local Alarm”, as those terms are hereinafter defined.
 - (2) “Alarm Installation” is the design, installation, repair, alteration and maintenance of systems causing an alarm to be sounded in the event of a burglary, holdup, fire or the occurrence of a predetermined inimical event.
 - (3) “Alarm User” is any person on whose premises an alarm system is maintained within the Town of Amherst, except for alarm systems on motor vehicles or proprietary alarm systems. If, however, an alarm system is on a motor vehicle other than a proprietary system (which does not include a signal line connected directly or indirectly to a Police Communication Center, a central station or answering service) the person using such system is an alarm user.
 - (4) “Person” is any natural person, legal entity, corporation or incorporated association.
 - (5) “Alarm Monitoring Facility” is a facility located at Headquarters which is monitored by employees who receive, record and validate alarm signals transmitted from private alarm systems.
 - (6) “Proprietary System” is all alarm systems sounding and/or recording alarm and supervisory signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises or his employees or agents. If a proprietary alarm system included a signal line connected directly or by means of a dialing device to a Police/Fire Communication Center, a central station or answering service, it thereby is deemed to be an Alarm System as defined in this ordinance.
 - (7) “Answering Service” is a telephone answering service providing among its

services the service of receiving emergency signals from alarm systems and thereafter relaying the message by voice or otherwise to the Communications Center of the Police/Fire Department.

- (8) "Central Alarm Station" is any facility which is privately owned that owns or leases alarm systems, whose facility is staffed by employees who receive, record or validate alarm signals and relay information about such signals to Police/Fire Headquarters, by any means.
- (9) "Dial Alarm" is an alarm system which automatically selects a telephone line connected to a Headquarters and reproduces a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect. Unless specifically authorized by the Police/Fire Chief, no dial alarms will be allowed to dial any government maintained telephone number.
- (10) "Direct Alarm" is any alarm system which transmits a signal over a telephone line to an alarm monitoring facility, either public or private.
- (11) "Local Alarm" is any alarm system not connected to the Police/Fire Alarm Monitoring Facility or to a private central alarm station or answering service, that is designed to activate at the premises within which the alarm system is installed, an audible and/or visual signaling device.
- (12) "Manual Alarm" is any alarm system in which activation of the alarm is initiated by the direct action of the alarm user or his agents or employees with a purpose to elicit a police response to a burglary, robbery or attempted robbery or a Fire Department response.
- (13) "False Alarm" is any activation of any alarm system to which the Police or Fire Department respond which is not the result of a robbery, burglary, attempted robbery/burglary, or fire. "False Alarms" do not include alarms caused by electrical storms, floods, hurricanes or other violent events of nature.
- (14) "Town" is the Town of Amherst, New Hampshire.

Section 3. Permit Application Required: The Chief of Police or Fire Chief of the Town is hereby authorized to issue a permit to any applicant for burglar, intrusion or panic or fire alarms respectively, as to property within the Town of Amherst, to install, maintain and operate thereon an alarm system upon application to him, and subject to the following provisions:

- (1) Such application shall describe the premises on which such alarm system is to be located, and
- (2) Shall state the name, address and telephone number of the applicant and

the person who is responsible for the upkeep, maintenance and operation of the alarm system, and

- (3) Shall describe the system and shall give the name, address and telephone number of the legal entity who is responsible to the owner for the maintenance of such alarm system, and any State of New Hampshire license issued to such legal entity.

Section 4. Absence of Permit: No person (including a natural person and/or legal entity) shall install, maintain or operate within the Town , an alarm system without a permit issued hereunder.

Section 5. Installation of Alarm System: No alarm system, as herein defined, shall be installed and activated, without a permit issued pursuant to this ordinance.

Section 6. Existing Alarm Systems: Alarm systems presently operating shall conform to this ordinance prior to continued operation thereof.

Section 7. Issuance of Permit: The Chief of Police or Fire Chief upon application to him for a permit shall, in his judgment, determine whether the application conforms to the requirements of this ordinance; that the facts stated therein are true and accurate. The Chief of Police or Fire Chief upon receipt of the fee required hereunder and review of the application and compliance by the applicant of this ordinance shall issue to the applicant a permit to install, maintain and operate the proposed alarm system.

Section 8. Permit Fee:

- (1) Each applicant shall pay to the Town of Amherst a permit fee of twenty - five (\$25.00) dollars.
- (2) There shall be an annual renewal fee of ten (\$10.00) dollars.
- (3) If a residential alarm user is over the age of sixty-five (65), and is the primary resident of the dwelling, and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee.
- (4) Federal, State, County or local government agencies who operate alarm systems shall be exempt from the payment of a fee.

Section 9. Denial, Suspension or Revocation of Alarm Users Permit: The Chief of Police or Fire Chief upon notification to him that the department has received four false alarms from a permittee may summarily temporarily suspend the alarm user's permit pending notice and hearing.

If after due notice and hearing, the Chief of Police or Fire Chief determines, in his judgment, that the alarm user will not undertake reasonable action to eliminate the cause of such false alarms or that the alarm user is not able to take such reasonable action, he may revoke such permit.

The alarm user at such hearing shall have the right to present evidence, to cross examine witnesses and to be represented by counsel. Such hearing shall be conducted in an informal manner, the rules governing courts shall not apply and hearsay evidence shall be admissible.

An alarm user whose permit has been revoked, may reapply for a new permit. Upon such re-application he shall demonstrate to the Police Chief or Fire Chief that the cause of prior revocation has been eliminated and/or corrected or is not likely to re-occur. Any person aggrieved by any decision of the Chief of Police or Fire Chief made under the provisions of this ordinance shall have the right of appeal to the Board of Selectmen. Such appeal shall be in writing and filed with the Board of Selectmen within ten (10) days of the decision appealed from. The said appeal shall fully state the grounds for appeal. The Board of Selectmen shall set a date for hearing of the appeal and notify the appellant of the date of hearing, shall hold said hearing promptly and, after hearing, shall decide the matter within a reasonable time, and notify the appellant thereof. The appellant shall have the right of appeal to the Superior Court for the County of Hillsborough in accordance with existing law.

Section 10. False Alarms: Prevention and Payment of Costs:

- (1) When emergency messages are received by the Police or Fire Department that are the result of a failure to comply with the requirements of the ordinance, the Chief of Police or Fire Chief is authorized to demand that the owner or lessee of such device, or his representative, disconnects such device until it is made to comply with said requirements.
- (2) Any alarm user having an alarm system on his or its premises, and any user of alarm services or equipment designed and installed with the intent of eliciting a police or fire department response, shall pay to the Town of Amherst a charge for each and every false alarm to which the police or fire department respond in each 365 day period as follows:
 - (a) The alarm user of any alarm system shall be assessed a service charge for each false alarm transmitted by such system after three (3) false alarms in a 365 day period, where such false alarm results in a response by the Police or Fire Department, in accordance with the following:

- 1) The fourth (4th) false alarm in any 365 day period shall be assessed a service charge of twenty-five (\$25.00) dollars.
 - 2) The fifth (5th) false alarm in any 365 day period shall be assessed a service charge of fifty \$(50.00) dollars.
 - 3) The sixth (6th) false alarm in any 365 day period shall be assessed a service charge of seventy-five (\$75.00) dollars.
 - 4) The seventh (7th) false alarm in any 365 day period shall be assessed a service charge of one hundred (\$100.00) dollars.
 - 5) The eighth (8th) false alarm in any 365 day period shall be assessed a service charge of one hundred and twenty-five (\$125.00) dollars.
 - 6) The ninth (9th) false alarm in any 365 day period shall be assessed a service charge of one hundred and fifty (\$150.00) dollars.
 - 7) The tenth (10th) false alarm in any 365 day period shall be assessed a service charge of one hundred and seventy-five (\$175.00) dollars.
 - 8) Each successive false alarm in any 365 day period shall be assessed an additional twenty-five (\$25.00) dollars over the preceding amount charged.
- (b) Failure to pay such false alarm service charge in thirty (30) calendar days shall subject such alarm user to suspension of their alarm user's permit by the Chief of Police or Fire Chief pending hearing.
- (c) An alarm user may appeal false alarm service charges in writing to the Board of Selectmen within ten (10) days after receipt of the notice of penalty.

Section 11. Liability of Town Limited: The Police and Fire Departments of the Town of Amherst shall take every reasonable precaution to assure that the alarm signals received are given appropriate attention and are acted upon with dispatch. Nevertheless, the Police and Fire Departments of Amherst shall not be liable for any defects in operation of alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, nor for the failure or neglect of any person in connection with the installation and operation of alarm devices or their components, the transmission of alarm signals, or the relaying of such signals and

messages. The Police/Fire departments shall incur no liability for failure to respond to an alarm activation at a location in which a permit has not been issued, or a permit has been suspended or revoked.

Section 12. Operating an Alarm System After Revocation; Penalty: Any alarm user who, after having a permit revoked and after exhausting his right to a hearing, fails to disconnect his alarm system, or who knowingly operates an alarm system without first obtaining a permit, shall be guilty of a violation, and upon conviction, shall be fined not less than two hundred fifty dollars (\$250.00).

Section 13. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent therewith are hereby repealed.

BOARD OF SELECTMEN
TOWN OF AMHERST




